

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/1/07

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ADELPHIA COMMUNICATIONS CORP.,
et al.,

Plaintiffs,

- v -

BANK OF AMERICA, N.A., et al.,

Defendants.
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05 Civ. 9050 (LMM)
05 Civ. 9250 (LMM)
05 Civ. 9285 (LMM)

MEMORANDUM AND ORDER

McKENNA, D.J.,

This Memorandum and Order relates to those adversary proceedings previously pending in the United States Bankruptcy Court for the Southern District of New York with respect to which this Court, in a Memorandum and Order dated February 9, 2006, withdrew the reference to the Bankruptcy Court. Specifically, it relates to the discovery issues reflected in Mr. Friedman's letter to the Court of July 25, 2007, Mr. Lowenthal's letter to the Court of July 30, 2007, Mr. Wynne's letter to the Court of July 31, 2007, and Mr. Anigian's letter to the Court of July 31, 2007.

The Court orders and directs that:

(i) the order of Bankruptcy Judge Gerber dated June 29, 2005 is vacated;

(ii) this Court stays discovery (with the exception of consensual discovery in aid of settlement discussions under the guidance of Judge Weinstein) pending further order of this Court;

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(iii) the parties are to meet and confer on a reasonable discovery plan providing, as far as foreseeable, phases for party and third-party documentary and testimonial discovery (but expert discovery, if any, need not be included at this time), and dates for completion of the phases provided, and are to submit the result to this Court by September 7, 2007;

(iv) the schedule should take into account a trial date which will allow for completion of trial before the end of 2008, while allowing time for ongoing settlement endeavors;


(v) to the extent the parties cannot reach complete agreement on a discovery plan, they shall report (by September 7, 2007) what they have agreed to, and the nature of their disagreements, with their respective proposals for resolution; and

(vi) in future, discovery applications are to be made according to the provisions of Local Civil Rule 6.1.

Copies of this Memorandum and Order are being sent to Mr. Friedman, Mr. Lowenthal, Mr. Wynne and Mr. Anigian. Mr. Friedman is to cause copies to be promptly communicated to all counsel on the plaintiff side and Mr. Lowenthal is to cause copies to be promptly communicated to all counsel on the defendant side.

SO ORDERED.

Dated: August / , 2007



Lawrence M. McKenna
U.S.D.J.